

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

September 16, 2004

P. Sartorius called the meeting to order at 4:05 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, B. Mazade, S. Warmington, P. Sartorius, B. Smith, T. Michalski, L. Spataro

MEMBERS ABSENT: T. Johnson, excused; T. Harryman, excused.

STAFF PRESENT: J. Kinney, M. Cameron, L. Anguilm, H. Griffith

OTHERS PRESENT: R. Reasonover, 1370 Eastwood; J. Berry, 340 Marquette; R. Clark, 433 Octavius; D. Rucks, 348 Cross; J. Clark, 433 Octavius; H. Knoxs, 504 Octavius; D. Newsome, 428 Marquette; S. Norman, 312 Cross; J. Yardsborough, 391 Jackson; P. Russell, 609 Adams; M. Miles, 414 Adams; M. Hackard, President of Innovative Design.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of August 12, 2004 was made by J. Aslakson, supported by L. Spataro and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2004-33: Request for a special land use permit to allow the sale of alcohol in a previously existing commercial use in an R-1, Single Family Residential zone at 407 Marquette Street, by Ray Reasonover. J. Kinney presented the staff report. In case 2004-24, the applicant's request to rezone the subject property to B-1 Limited Business District was denied. In case 2004-28, staff initiated a request to amend Section 401 of Article IV (R-1, Single Family Residential); Section 601 of Article VI (RT, Two Family Residential); Section 701 of Article VII (RM-1, Low Density Multiple-Family Residential); Section 801 of Article VIII (RM-2, Medium Density Multiple-Family Residential); Section 901 of Article IX (RM-3, High Density Multiple-Family Residential) to amend the Special Land Uses Permitted language to permit uses selling alcohol. The new language reads: "Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be sold." The applicant is proposing to add beer and wine; no alterations to the building or site are proposed. This request includes the property at the southeast corner of Marquette Ave. and Wood St. The property currently contains a small 'corner store' type of mini-mart and additional vacant space. There are two

special use permits in place on this property – one for the mini-mart and a second for a youth recreational center which has never materialized. When the Special Use Permit was approved for the mini-mart in August of 2001, one of the conditions of the permit reinforced the prohibition against selling alcohol on the site. At the time, the property owner stated that he had no intention of selling alcohol in the store. However, since that time the property has changed hands and the store has a new owner/operator. The current owner would like to sell alcohol in the store. The City owns several vacant parcels of property directly adjacent to the subject property. This corner is a somewhat busy one since Marquette Ave. and Wood St. each carry a heavier load of traffic than a minor residential street. To the south of the subject property is an existing church. Although this general area is entirely zoned for single-family residential, this particular block does not contain any existing homes. However, given the recent level of increased interest in the Jackson Hill neighborhood for single-family building projects, there is a good likelihood that the City-owned parcels may be in demand in the near future for single-family residential purposes. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or “change of use” will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued.” Staff recommended approval with conditions.

R. Reasonover stated that his hours of operation are different than what is proposed in the staff conditions. He also didn’t plan on selling any alcohol on Sundays. He had no problems with the conditions that staff proposed. L. Spataro asked what his hours of operation would be. R. Reasonover stated that they would be from 9 a.m. until 10 p.m. L. Spataro asked if he would have any problem with the proposed condition being changed to that time. R. Reasonover stated that he didn’t. T. Michalski suggested adding no alcohol sales on Sunday as a condition. L. Spataro asked staff if it would be legal for them to place that condition on it. J. Kinney stated that he didn’t believe it would be a problem. J. Berry was opposed to the request, and was concerned there would be no control.

S. Warmington arrived at 4:15 p.m.

R. Clark was opposed to the request and was concerned with loitering and that crime may go up. D. Rucks stated that this was a highly emotionally charged issue. She felt that this would be a way to sabotage the youth and was opposed to the request. J. Clark was opposed to the request. H. Knoxs was opposed to the request. D. Newsome stated that he had a relative who owned the store in the past. He was opposed to alcohol sales then and was still opposed to it. He did pick items up at this store. S. Norman stated that he was an appraiser and this area had been going up in value. He was concerned that the values would start to go down if this was approved. There was another liquor store outside of the census track that had problems with loitering and trash. He didn’t want this in his neighborhood and was opposed to the request. J. Yardsborough stated that he had lived in the area for about 3 years and there was a lot of trash on the street. He felt that this had to do with the mentality of the people in the area. He had been in other areas where alcohol was sold and didn’t see this problem in those areas. He felt everyone should work together and co-exist. He gave no opinion.

B. Mazade arrived at 4:34 p.m.

P. Russell stated that there had been a controversy of whether the store should open or not. He was okay with it as long as there wasn't any alcohol sales. There was litter all over and he felt that the sale of alcohol in the area would create more. He was opposed to the request. R. Reasonover agreed with J. Yardsborough. It would take the community to make it work. P. Sartorius asked how the applicant would help control the issues brought up at the meeting by the residents. R. Reasonover stated that there would be more outdoor lighting, trashcans outside, signs (such as no loitering). M. Miles stated that she picks up paper everyday. When the store was closed, there wasn't much paper. She was opposed to the request. J. Berry stated that they had a strong neighborhood association. They kept the park clean and they want to keep the neighborhood strong. D. Rucks stated that the citizens couldn't be the only ones to blame for the derelict in the neighborhood. A lot of times, it was someone passing through the neighborhood.

A motion to close the public hearing was made by J. Aslakson, supported by S. Warmington and unanimously approved.

J. Aslakson stated that alcohol sales in this area would attract crowds. He was concerned that the sale of alcohol in the area would deter from the development of what vacant lots are left in the neighborhood. He was opposed to the request. B. Smith stated that she agreed and was not in favor of the request. She felt it would be offensive and a nuisance. S. Warmington stated that he remembered newspaper articles regarding this property in the past. He was a firm believer that product can be used or not used wisely. He also believed that it was an improvement to have a neighborhood store. He was against the sale of alcohol in this area. L. Spataro stated that he wasn't in favor of the sale of alcohol in a residential neighborhood. He has dealt with the Mason Street Market. He lives by the Frontier Quick Mart. Ghezi in Lakeside and Wayne's Deli on Laketon both sell liquor, beer, and wine and they have no problems. He informed the audience that this wasn't a zoning change. This was a Special Use Permit request, which would be conditional. If the applicant didn't follow the conditions of the SUP, then the PC would revisit it and could void the SUP. This would also stay with the applicant, so if he were to sell the property, the new owner would need to apply also. B. Mazade stated that he was sorry that he was late, but felt that he was competent to make an informed decision in this case since he has been involved in all the previous meetings involving this property. P. Sartorius read of the conditions that the PC members have to look at in order to approve a SUP. He stated that there were a few that weren't met. He also stated that the applicant could reapply for the SUP in 1 year should this be denied.

A motion that the special use permit to allow the sale of alcohol in a previously existing commercial use in an R-1, Single Family Residential zone at 407 Marquette Street be denied, based on lack of compliance with the City's Master Land Use Plan, was made by J. Aslakson, supported by B. Smith and approved with T. Michalski voting nay.

L. Spataro left at 5:03 p.m.

Hearing; Case 2004-34: Request to rezone the properties located at 2111, 2123 and 2137 McCracken Street and 2125 Lakeshore Drive from R-1 Single Family Residential to RM-1 Low Density Multiple-Family Residential district, by Dave Medendorp (Lakeside MG, LLC).

Withdrawn by Applicant.

Hearing; Case 2004-35: Request for Preliminary Planned Unit Development approval of a mixed-use residential and commercial development for the properties located at 2111, 2123 and 2137 McCracken St. and 2125 Lakeshore Dr. by Dave Medendorp (Lakeside MG, LLC). Withdrawn by Applicant. It was discovered after publication that the legal notice for these requests did not include the vacant 2117 Lakeshore Drive parcel address, which staff has discussed with the applicant, who has decided to withdraw the requests at this time so that staff can re-notice the cases properly and so they can be heard at one meeting. The applicant is also taking this opportunity to address multiple staff issues with the request. For the November meeting, the notice for the entire project site will be published as required and a public hearing held as usual.

Hearing 2004-36; Request for a special land use permit to allow expansion of a legal, nonconforming auto sales business in a B-4 General Business District at 2281 Henry Street by Chris Collins (Tradewind Car Company). J. Kinney presented the staff report. Subject property is located on the corner of Henry Street and Barney Avenue and is zoned B-4, as is adjacent property to the north, east and south. Adjacent property to the west is zoned R-1. Use has been auto sales for some time, therefore no special land use permit. Auto sales business requires special land use permit approval for new or expansion of existing. Currently, the entire site is paved, except for the building location. Site plan comments: a) Provide parcel number on plan. b) List existing use on adjacent properties. c) Topography not given; no change is proposed. d) Show storm water flow with arrows. e) Show soil erosion control measures. f) Detail site circulation pattern and used vehicle parking layout. g) Location of snow storage area is shown on adjacent residential lot. Should be on site in case residential lots are sold or developed. h) Show onsite pedestrian circulation. i) Provide outdoor lighting details. New or relocated lighting shall meet current requirements (100% cutoff, etc). j) Provide detail on dumpster and screening. Again, should be on site. k) Show location of fire lanes, hydrants, standpipes and security lighting. l) The zoning ordinance requires one (1) canopy tree, two (2) understory or evergreen trees and two (2) shrubs for each 30 lineal feet of street frontage. All required setbacks are to be maintained as landscaped buffers. Plant species are not indicated. Plant locations are insufficient. Screening from adjacent residential properties is required along the rear property line. Parking lot landscaping is required for parking lots over 5,000 square feet. The current situation is a legal nonconformity; however, the expansion does allow the Planning Commission to require compliance with the landscape requirements. m) Provide proof of ownership. n) Provide a project narrative. o) Access to the site is not allowed within 60 feet of the intersection of two streets. This is a legal nonconformity. p) Indicate the total lot size on the plan. Provide lot coverage details. The maximum front setback from Henry Street is 50 feet and 30 feet from Barney Avenue. The setbacks are legal nonconformities; the new building must comply with the requirements. q) Parking areas are prohibited within the required setbacks. The current layout is legal nonconforming. r) Indicate fire/access lane through parking area. s) If vehicles for sale are delivered by truck, a loading space is required. There are no comments from other departments. Public comment: Ken Norwood, Dan Cooper Auto Sales, located on the corner of Henry Street and Hackley Avenue, called to state he sees no problems with the request and is not opposed to it. Staff recommends approval, with conditions. If the applicant cannot meet the ordinance requirements, an application for variance from the standards may be made to the Zoning Board of Appeals, who can grant variances in

cases where there is proven hardship or practical difficulty based upon the unique conditions experienced by a property, such as an odd shape, size or topographical characteristics. Most of the issues had been addressed with a new plan. The outstanding issues can easily be addressed with staff.

J. Aslakson asked about the zoning of lots 76 & 79. J. Kinney stated that they are zoned R-1 and can't be included in this. P. Sartorius asked if the current owner also owned the lots. J. Kinney stated that he did. M. Hacker stated that this is an existing business and they are looking at expanding so there can be an indoor showroom. The lighting will be greatly improved. P. Sartorius asked if the proposed improvements would meet the current code. J. Kinney stated that the current building wouldn't exacerbate any existing nonconformities.

A motion to close the public hearing was made by J. Aslakson, supported by B. Mazade and unanimously approved.

A motion that the special use permit and associated site plan for the used car lot by Chris Collins be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance based on the following conditions: 1) The applicant shall submit a revised site plan for staff review incorporating or addressing items (a) through (s), was made by B. Mazade, supported by S. Warmington and unanimously approved.

NEW BUSINESS

Case 2004-37: Request for site plan review for a new commercial building on property located at 1660 Glade Street by Scott Gilbert (Lange Carpet). J. Kinney presented the staff report. The site is located on Glade, between West Dale and West Forest Avenues. Zoning of the subject and adjacent properties is B-4 General Business District. The retail uses are permitted by way of the B-2 zone district. Adjacent properties contain residential uses. The applicant and representative, Mark Hacker of Innovative Design, have met with staff and have submitted a revised site plan addressing many previous staff comments. The following items remain to be addressed: 1) Provide proof of ownership and a narrative describing the project. 2) Provide a storm water management plan with details of structures, flow, etc. 3) Show the parcel number on the plan. 4) Indicate the following dimensions: front setback, drive lane dimension, trash enclosure, loading area, and sidewalk in front of building. 4) Show any existing or proposed drives, structures, etc. within 100'. 5) Provide topography with drainage arrows showing existing conditions. 6) Provide a grading plan with proposed storm water flow. 7) Provide a statement of soil suitability (type, etc) and soil erosion control plan. 8) Show existing vegetation and whether it is retained or not. 9) Provide a statement on the plan indicating location of the site relative to any flood plain. 10) Show public utility locations on site. 11) Provide alley dimensions (ROW and pavement width). 12) Site circulation may be interrupted by the loading area location. Provide a statement from the Fire Department that this condition is acceptable. 13) Provide a landscaping plan with details conforming to zoning ordinance requirements. 14) Provide outdoor lighting details. 100% cutoff is required for outdoor lighting. 15) Provide complete sign details (wall and freestanding). A separate sign permit is required. 16) Show fire lane, fire lock box, fire hydrants, standpipes and security lighting. 17) Provide detail on total parking area. If greater than 5,000 square feet, parking lot landscaping is

required. Parking areas are prohibited in required setbacks. 18) Dumpster location may hamper fire lane and loading area ingress/egress. Provide a different location. 19) Show lot coverage details on the plan in accordance with Table I. 20) Maximum setback from Glade is 30' if it is a minor street, 40' if it is a collector. 21) Provide full size, to scale plans. 22) Show more accurate and detailed information on floor plan for parking space calculations. 23) Show awning on site drawing. Setbacks are measured from drip lines. 24) Provide additional parking area vegetative screening from parking areas along side property lines in front of building, without interfering with clear vision corner requirements. 25) Show additional fence height detail. Minimum screening portion of fence height is four feet. Fire/Inspections Department comments: "Fire flow calculations be taken and submitted to Fire Marshall concerning water supply. Fire lane shall be established." Police Department comments: "Will lighting be added to illuminate the front entrance?" No public comment had been received. Staff recommended approval of the request with conditions. A new revised site plan had been submitted. There were still a couple of issues left. The lighting would be at the front entrance. J. Kinney read off some of the important items on the new revised site plan that would still need to be corrected.

B. Mazade asked with the maximum front setback would be. He didn't see this as a problem. J. Kinney stated that the maximum front setback was 30 ft. He suggested attaching an awning to the building, which would help meet the front setback requirement. B. Mazade asked if the existing building had to comply. J. Kinney stated that currently there were semi trailers on the property. M. Hacker stated that there was also a small garage on the property that would be torn down. P. Sartorius asked if they would have any problems meeting staff's proposed conditions. M. Hacker stated that in order for them to have an awning, they would need to raise the height of the building. There are a lot of larger vehicles that would be frequenting the business and any of them would destroy the awning if it were placed there at the proposed height. B. Mazade stated that this would be a vast improvement.

L. Spataro arrived at 5:27 p.m.

B. Mazade suggested moving the building forward and have a different landscaping plan approved. J. Kinney stated that this wouldn't help because of minimum 10 ft. rear setback. With the building placed where it is proposed, it utilized the zero lot line option. J. Aslakson asked if the ZBA could address greenspacing and setbacks. J. Kinney stated that the PC would be the ones to address the greenspacing and the ZBA would address the setback and parking. M. Hacker stated that they could increase the building size, but they would need the PC to waive the greenspace requirement. L. Spataro stated that there is on-street parking along Glade St. He wasn't sure if it was available on both sides of the street, but he knew it was on one of them. J. Kinney explained that the downtown area is the only place where on-street parking could be included in the parking requirements. L. Spataro felt the on-street parking could be included in this. B. Mazade stated that this is an unusual case, but there is no other reason for anyone to park on the street unless you are going to this business. J. Kinney stated that there are also 2 residences in this area that are occupied. The PC can't modify the parking requirement, only the ZBA can. J. Aslakson suggested waiving the greenspace in the conditions. B. Mazade stated that he would be willing to support it. The applicant can work with the staff to accommodate some greenspace.

A motion that the proposed site plan for a new commercial building on property located at 1660

Glade Street be approved, based on the following conditions: 1) A revised site plan will be submitted for staff approval addressing the concerns of items #3 through 5 of the staff report. 2) The PC waves the 10-ft. greenspace requirement for the front of the building, was made by J. Aslakson, supported by B. Smith and unanimously approved.

OTHER

J. Kinney introduced L. Anguilm as the new Zoning Administrator.

There being no further business, the meeting adjourned at 5:41 p.m.

hmg
9/16/04